

APPROVED: Meeting No. 36-91

ATTEST: *Sharon Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 34-91

September 23, 1991

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on September 23, 1991, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Viola D. Hovsepian

Councilmember James T. Marrinan

Councilmember David Robbins

ABSENT

Councilmember James F. Coyle (Business Travel)

In attendance: Assistant City Manager Rick Kuckkahn, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Just prior to tonight's meeting, there was a reception at City Hall in honor of the Arte Latino '91 exhibit that celebrates Hispanic Heritage Month and Latino cultural diversity.

2. This past weekend, the City held a very successful Oktoberfest with attendance at 2,500 to 4,000 per hour on Saturday and 2,000-3,000 people per hour on Sunday.

3. The City Police Department is currently going through the accreditation process which consists of 900 criteria for excellence. This past week, Chief Treschuk had the opportunity to participate with other officials in the accreditation process for

Meeting No. 34-91

2

September 23, 1991

Gaston County, North Carolina. It was an honor to be asked, and the experience will prove invaluable to the City for our assessment when the time arrives.

Re: Proclamation declaring
October 6, 1991, as
GERMAN-AMERICAN DAY.

Proclamation No. 22-91

By a unanimous vote of the Mayor and Council, October 6, 1991, was declared "German-American Day" in Rockville. Councilmember Hovsepian read the Proclamation, the full text of which can be found in Proclamation File No. 6 of the Mayor and Council. Leah Barnett, President, Rockville Sister City Corporation, and two exchange students from Pinneberg, Germany, who currently attend Richard Montgomery High School, accepted the Proclamation.

Mrs. Barnett introduced the host families of the exchange students, the Grubbs and Mullicans, and noted that tomorrow evening the Rockville Sister City corporation will hold its annual meeting at the Civic Center. Mrs. Barnett also advised that the City's Public Information Officer, Don Vandrey, will present the Proclamation in person to Pinneberg officials on his visit later this week to Germany in order to participate in the Berlin Marathon.

Re: Presentation to Joseph Whalen,
Congressional Oldsmobile/VW
Mazda, in recognition of the
donation of a van to the City
of Rockville Police Department
for the DARE (Drug Abuse
Resistance Education) Program.

The Mayor and Council presented Mr. Whalen with a certificate in recognition of his generous donation of a van to the City Police Department for use in the DARE program. Chief Treschuk along with Officer Walsh (who conducts the DARE classes) advised that there are 24 classes this year serving over 700 students. Mr. Whalen stated that he is excited about the DARE program and was happy to be able to assist.

Meeting No. 34-91

3

September 23, 1991

Re: Recognition of the following teens who participated in the Hands-On Mural Creation at the rear of the One-Stop Shopping Center this summer: Marcella Bertin, Kristen Baker, Rachel Leeman, Alice Popovici, Jesse Rowe and Keith Rowe.

The students worked under the direction of Patricia Dubroof, the City's artist in residence. The Mayor and Council presented certificates to Kristen Baker, Alice Popovici, Jesse Rowe and Keith Rowe; Marcella Bertin and Rachel Leeman were not present.

Re: Presentation of awards to the financial sponsors of the Rockville Rotary Twilight Runfest held on July 20, 1991

Dennis Steinauer, Race Director, Montgomery County Road Runners Club, along with the Mayor and Council, presented plaques to the following financial sponsors of the Rockville Rotary Twilight Runfest: Anheuser Busch (Chris Natalic); Cable TV Montgomery (Frank Green); Congressional VW (Janice Edwing); General Electric (Gary Clark); Rockville Gazette (Davis Kennedy); Shady Grove Adventist Hospital (Anne Alban); United Artists Theatres (Jeff Hutson); Dogwood Dental Group, Platon L. Gerachis, D.D.S. (Stan Doore accepted on behalf of the Rotary Club). Other financial sponsors not present at the meeting were: Albee Shoes; Chestnut Lodge Hospital; Great American Restaurants, Inc. (Fritzbe's 10K); Giant Food; Kimmel Properties; Maryland National Bank; and New Balance.

Carole Rivera, an active participant in the race for several years, was recognized in absentia for her past efforts. Ms. Rivera recently moved to Atlanta.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Randy Slovic, 9 Dairyfield Court, presented the Mayor and Council with "a petition to oppose the Cabin John Lake project and to save the environmentally sensitive

Meeting No. 34-91

4

September 23, 1991

Cabin John forest and wetlands." The petition contains approximately 150 signatures.

2. Bill Muth, 714 Woodburn Road, indicated that he had assisted in the recent water quality workshop. In looking at different facilities in the County, he expressed concern with the quality of the sites where insect/aquatic life samples were obtained.

Mayor Duncan advised that a decision has not been made regarding the Cabin John Lake and that alternatives will be fully explored before a decision is made.

3. Bob Slovic, 9 Dairyfield Court, requested that interested citizens have an opportunity to meet with the consultant performing the environmental study of the proposed Cabin John Lake as the study progresses.

Mayor Duncan requested that a meeting be scheduled quickly with the consultant, the Mayor and Council and interested citizens.

4. Lulu Jackson, 90 Monroe Street, informed the Mayor and Council of a problem at James Monroe Park concerning people bringing their dogs to the park to defecate.

Mayor Duncan responded that the Neighborhood Services Division of the Police Department will be made aware of the situation so that they may patrol the area.

5. Leah Barnett, 19 Orchard Way North, noted that individuals often allow dogs to enter onto private property to defecate.

Mayor Duncan responded that the City's animal control law provides that owners must clean up after their animals. Mrs. Barnett requested that this portion of the law be reiterated to the public.

There being no other citizens wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

At this time, Mayor Duncan referenced the Oktoberfest held the previous weekend, which he indicated was the best special event the City has ever held. The tent, craft show, food and entertainment all contributed to a very successful event. He expressed appreciation to the Recreation and Parks staff, Police, Public Information and all others who contributed to the success of the event.

Meeting No. 34-91

5

September 23, 1991

Re: Appointments

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Dorothy Perreca was appointed to a one-year term as Chairperson of the Animal Matters Board.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Byron Mullican was reappointed to a two-year term on the Recreation and Park Advisory Board.

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, Frederick Beckner was reappointed to a three-year term on the Rockville Sister City, Inc.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Kenneth Falci was reappointed to a one-year term as Chairperson of the Science and Technology Commission.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Helen Roberto was reappointed to a one-year term as Chairperson and Marty Roney and Stanton Sheltra were appointed to three-year terms as members of the Senior Citizens Commission.

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, Alan Levine was appointed to a one-year term as Chairperson of the Traffic and Transportation Commission.

Re: Approval of Minutes

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the minutes of Meeting No. 32-91 (September 10, 1991) were approved, as written.

Re: Consent Agenda

Councilmember Marrinan requested the removal of Item D from the Consent Agenda and Councilmember Hovsepien requested the removal of Item E.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

Meeting No. 34-91

6

September 23, 1991

- A. Award of Bid No. 18-92, for printing and mailing four quarterly recreation guides to Comprint, Inc., for the low bid price of \$20,985.20.

The contract includes the printing and mailing of the Department of Recreation and Parks season program guides. There are sufficient funds budgeted for this contract.

- B. Award of Bid No. 23-92, in the amount of \$19,608, for the purchase of softballs to the low bidder, PRC, Inc. t/a Collegiate Sports of Gaithersburg, Maryland.

This bid calls for the purchase of softballs for the men's and women's softball teams. There are sufficient funds budgeted for this contract.

- C. Award of Bid No. 38-92, in the amount of \$36,700, for barrier fencing at Redgate Golf Course to the low bidder, Ryon, Inc. of Forestville, Maryland.

This project consists of furnishing all labor and materials necessary to furnish and install barrier fence at the Redgate Golf Course. Funding in the amount of \$60,000 has been budgeted for this project.

- F. Receipt of August financial reports summarizing the results of City operations for the period from July 1, 1991, through August 31, 1991.

Re: Award of Bid No. 37-92, water main rehabilitation at various locations, to low bidder, Spiniello Construction Company, Morristown, New Jersey, in the amount of \$499,400.

This project is a continuation of the City's program for cleaning and cement lining the older Public Works mains at various locations throughout the City. This process reduces water discoloration problems

Meeting No. 34-91

7

September 23, 1991

and increases capacity for improved fire protection. The budget estimate is \$522,000.

Councilmember Marrinan had requested that this Item (D) be removed from the Consent Agenda in order to note that there should be some type of neighborhood alert regarding possible water discoloration to go along with this effort. The Assistant City Manager noted that the City would do so.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Bid No. 37-92 was awarded to Spiniello Construction Company in the amount of \$499,400.

Re: Award of Bid No. 40-92 for furnishing, delivering and planting trees and shrubs at various locations throughout the City to the low bidder, C & C Farms, Inc. of Damascus, Maryland, in the amount of \$74,896.50.

Funding in the amount of \$115,000 is budgeted for this project.

Councilmember Hovsepian had requested that this item (E) be removed from the Consent Agenda in order to make note of the fact that the dead trees in Veterans Park would be replaced in time for the Veterans Day ceremony.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Bid No. 40-92 was awarded to C & C Farms, Inc., in the amount of \$74,896.50.

Re: Presentation of proposals of three finalists for Potomac Woods Park under the Art in Public Places Program. Ken Lechter, Cultural Arts Commission Chairperson, and Francoise Yohalem, Art Consultant, will present proposals from Richard Lew, Mile Jevtic and Steven Bickley.

Kenneth Lechter, Chairperson of the Cultural Arts Commission, stated that 35 artists submitted slides and biographical information for review by the artist nomination

Meeting No. 34-91

8

September 23, 1991

committee consisting of Cultural Arts Commission representatives, art experts and neighborhood representatives. The committee selected Richard Lew, Mile Jevtic and Steven Bickley as finalists. These proposals were reviewed by the artist nomination committee at a public meeting. The Cultural Arts Commission unanimously recommends that the commission be awarded to Richard Lew.

At this time, Francoise Yohalem, the City's art consultant, described the three proposals, models of which were on display.

Re: Award of Art Commission in the amount of \$15,000 to Richard Lew for Potomac Woods Park under the Art in Public Places program. Proposals were presented to the Cultural Arts Commission which recommends the proposal of Richard Lew.

Funding in the amount of \$15,000 is budgeted for this project.

Councilmember Hovsepian questioned when the sculpture would be completed and was advised that it would be next spring. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Richard Lew was awarded the art commission in the amount of \$15,000 for his proposal "Draco" which will be located in Potomac Woods Park.

Re: Adoption of Ordinance to adopt Text Amendment Application T-118-91, Mayor and Council of Rockville, Applicant.

Ordinance No. 25-91

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Ordinance No. 25-91, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to amend the definition of "variance" in the Zoning Ordinance and to: remove the nonconforming status for residential uses in the O-2, Transitional Office, Zone; add a special restriction for retailing of computers in the

Meeting No. 34-91

9

September 23, 1991

I-3, Industrial Park, Zone; and correct the tables of uses regarding child care homes and centers.

Re: Adoption of Ordinance to amend Chapter 8, entitled "Elections" of the Rockville City Code so as to clarify the requirement that election day registration must be done in person.

Ordinance No. 26-91

Mayor Duncan noted that this amendment was proposed to prevent voter fraud. Councilmember Marrinan expressed concern with how a disabled person may vote or register and was advised that curbside voting is offered at all polling locations.

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, Ordinance No. 26-91, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to amend Chapter 8, entitled "Elections" of the Rockville City Code so as to clarify the requirement that election day registration be done in person.

Re: FYI/Correspondence

Mayor Duncan referenced two FYI items for the public's information: the Kersey-Falls Road Traffic Signal Installation and Rockville Pike repairs.

With respect to a letter received from Mr. Mann regarding issuance of parking tickets during a swim meet at the Swim Center, staff will forward a report on the strategy to provide adequate parking in the future.

Re: New Business

Councilmember Marrinan reported on the action of the Metropolitan Washington Council of Governments to proclaim October 6-12, as "Fire Prevention Week" in the metropolitan area. The Rockville Volunteer Fire Department will hold an open house on Saturday, October 12, from noon to 4:00 p.m. at the Route 28 station.

Meeting No. 34-91

10

September 23, 1991

Re: Next Meeting

On September 30, 1991, there will be two public hearings: Text Amendment Application T-119-91, to provide a greater length of time to implement certain approved subdivision and land development applications; and proposals for Community Development Block Grant Funding for fiscal year 93.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 8:30 p.m., to convene again in Public Hearing at 7:30 p.m. on September 30, 1991, or at the call of the Mayor.